

Chicago-Kent Law Review

Volume 19 | Issue 4

Article 5

September 1941

Index to Volume 19

Chicago-Kent Law Review

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>



Part of the [Law Commons](#)

Recommended Citation

Chicago-Kent Law Review, *Index to Volume 19*, 19 Chi.-Kent L. Rev. 405 (1941).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol19/iss4/5>

This Index is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact jwenger@kentlaw.iit.edu, ebarney@kentlaw.iit.edu.

INDEX—DIGEST

References in bold-face type are to LEADING ARTICLES; in italics, to BOOK REVIEWS and BOOK NOTES; in plain type to NOTES AND COMMENTS and DISCUSSION OF RECENT DECISIONS

A

ACTIONS

See also *Quo Warranto*

Abolition of distinctions as to form:
Availability of motion in nature of coram nobis in chancery proceedings (Illinois practice) 372-3

ADMINISTRATIVE LAW

See *Constitutional Law*

APPEAL AND ERROR

More than one appeal: Exercise of right to "short" appeal precludes use of "long" appeal (Illinois practice) 274-5

Necessity of new trial: Right of Appellate Court on reversing judgment notwithstanding verdict, to pass on alternative motion for new trial (Illinois practice) 275-6

Particular findings implied: Failure to include matters in abatement in motion to dismiss does not waive such defense (Illinois practice) 188

Records and proceedings not in record: Who has burden of preserv-

ing evidence in equity (Illinois practice) 188-9

APPEARANCE

Jurisdiction acquired: Whether pleading over to merits after special appearance and motion under Section 48 confers jurisdiction over person (Illinois practice) 276-8

ATTACHMENT

Affidavit: Effect of delay in publication after filing 103-4

AUTOMOBILES

See also *Commerce*

Sale and transfer: Effect of failure to transfer certificate of title to car in violation of Uniform Anti-theft Act on repossession right of conditional vendor

Who are passengers, guests, licensees: Whether guest statute is available as a defense to action by infant under seven for injuries suffered while a passenger 281-6

B

BANKS AND BANKING

Stockholders: Holding companies as a device to evade superadded liability 160-80

Bank stock holding-company cases 169-76

Nature of the added liability on bank stock 162-4

Purpose and origin of the super-added liability statutes 160-2

Recent Illinois cases 176-8

Who are stockholders subject to double liability 164-8

C

COMMERCE

Licenses and privilege taxes: Does special fee applicable only to

registration of automobiles purchased outside the state violate the commerce clause 286-90

C (Cont.)

CONFLICT OF LAWS

See also *Marriage, Trusts, and Workmen's Compensation*

In general: Survey of Illinois law for the year 1939-40 71-5

CONSTITUTIONAL LAW

See also *Commerce, Courts, and Searches and Seizures*

Freedom of speech: Injunctions against picketing in attempts to unionize 290-3

CONTRACTS

See also *Infants, Landlord and Tenant, and Sales*

In general: Survey of Illinois law for the year 1939-40 41-6

Illegality: Validity of covenant limiting use of filling station property given to procure frontage consent 376-9

CORPORATIONS

See also *Banks and Banking, Revenue, and Taxation*

In general: Survey of Illinois law for the year 1939-40 8-9

Members and stockholders: Fiduciary duty owed a corporation by majority stockholders 193-5

Representative suit: Intervention by one not a stockholder at time of transaction complained of 379-81

COURTS

See also *Jury*

Limited and inferior jurisdiction: Scope of criminal jurisdiction of county courts 107-10

Rules of court and conduct of business: Whether nonsuit under municipal court rule is a matter of substantive right or of "practice" (Illinois practice) 195-8

Trial and reference: Power of federal courts to order blood tests in divorce actions to determine nonpaternity 198-202

CREDITORS' RIGHTS

See also *Attachment, Automobiles, Fixtures, and Wills and Administration*

In general: Survey of Illinois law for the year 1939-40 75-80

CRIMINAL LAW

See also *Courts*

In general: Survey of Illinois law for the year 1939-40 52-6

Homicide: Why death in a year and a day 181-7

D

DAMAGES

See *Landlord and Tenant*

DEATH

Survival of right of action of person injured: Whether administrator can recover for wrongful death and also for damage to the estate before the death 110-14

E

EQUITY

See also *Actions, Appeal and Error, Corporations, Mortgages, and Patents*

In general: Survey of Illinois law for the year 1939-40 67-71

EVIDENCE

See also *Courts, Reference, Wills and Administration, and Witnesses*

In general: Survey of Illinois law for the year 1939-40 65-7

E (Cont.)

Admissibility: Photographic evidence 371-2

EXECUTORS AND ADMINISTRATORS

See also *Death*

Jurisdiction to appoint: Public liability insurance policy as asset

of nonresident intestate supporting grant of administration 293-7

Public administrators: Whether court may vacate appointment of administrator for nonresident who died in Illinois leaving no property at time of appointment 114-5

F

FAMILY

See also *Husband and Wife and Marriage*

In general: Survey of Illinois law for the year 1939-40 15-8

FIXTURES

Actions relating to fixtures: Right of conditional vendor to remove machinery upon compensating prior mortgagee for damages to realty occasioned by removal 297-9

G

GOVERNMENT

In general: Survey of Illinois law for the year 1939-40 80-90

H

HUSBAND AND WIFE

See also *Family, Marriage, and Trusts*

Bibliography: Madden: Cases and

Materials on Domestic Relations 230

Torts: Whether husband is liable for tort of wife while on family errand 202-7

I

INFANTS

See also *Automobiles*

Effect of admissions as against infant: Whether a guardian ad litem for an infant defendant can admit anything against defendant by his answer 299-302

False representations: Right of adult, in infant's suit for rescission of contract to recoup for damages caused by infant's misrepresentation of age 302-4

INJUNCTIONS

Meaning of the term "labor dispute": Necessity of relationship of functional employment 381-4

INSURANCE

See also *Executors and Administrators and Quo Warranto*

In general: Survey of Illinois law for the year 1939-40 41-3

Payment of premiums or dues: Whether agent's act of crediting premium against services constitutes payment of premium 304-5

J

JUDGMENT

Failure to file reply to answer: Whether motion for summary

judgment operates as waiver of failure to file reply (Illinois practice) 374-5

J (Cont.)

Time for rendition: Long delay as affecting jurisdiction in rendering judgment 115-9

JURY

Limitations on trial by jury in Illinois: Some observations on *Corcoran v. City of Chicago* 91-101

L

LABOR LAW

See also *Constitutional Law, Injunctions, and Searches and Seizures*

In general: Survey of Illinois law for the year 1939-40 12-13

LANDLORD AND TENANT

See also *Mines and Minerals*

Condition of the premises: Duty to repair 317-41

Basis of landlord's duty to keep premises in reasonably safe condition 317-8

Breach of duty must be proximate cause of injury to person to whom duty is owed 331-2

Breach of landlord's duty to repair and measure of damages 325-6

Effect of agreement that landlord will not be liable for injuries resulting from condition of premises 334-5

Effect of breach of landlord's contractual duty to repair on tenant's duty to pay rent 323-5

Effect of defective condition resulting from breach of landlord's contractual duty to repair 336

Effect of defense of assumption of risk on landlord's liability 334

Effect of defense of contributory negligence on landlord's liability 332-4

Effect of existence of dangerous condition on landlord's liability 335-6

Effect of legislative enactments regulating control of premises on landlord's and tenant's liability 339-41

Effect on landlord's liability of existence of defective condition of premises at time of making of lease 328-30

Landlord's contractual duty to repair 320-1

Landlord's liability for injuries resulting from creation or maintenance of nuisance 337-8

Right of third party to recover for breach of landlord's contractual duty to repair 326-8

Scope of landlord's contractual duty to repair 321-3

Scope of landlord's duty (other than contractual) to repair 319-20

Tenant's liability for injuries resulting from defective condition of premises 338-9

To whom does landlord owe duty to repair 330-1

What constitutes "common passageway" 318-9

Landlord's right of election to consider holding over as a renewal: Whether tenant's intent governs in holding over 305-8

Leases and agreements: Whether expressly basing rental on a percentage of sales made from the leased property raises an implied covenant not to divert such sales to other land 384-6

M

MARRIAGE

See also *Family*

Effect of informal or invalid marriage: Duty to support arising from a marriage after invalid foreign divorce 119-23

M (Cont.)

MASTER AND SERVANT

See also *Insurance and Workmen's Compensation*

In general: Survey of Illinois law for the year 1939-40 9-18
 Agency 9-12
 Labor Law 12-13
 Workmen's Compensation 13-15

MINES AND MINERALS

Conveyances: Meaning of words "surface only" 386-7

MORTGAGES

See also *Taxation*

In general: Survey of Illinois law for the year 1939-40 27-35

Redemption: Whether junior mortgagee fraudulently omitted from the first mortgage foreclosure proceedings may redeem after redemption period has expired by paying the amount of the successful bid 387-92

Statutes: Proposed Illinois Real Estate Mortgage Act 141-59

Inclusion of personal property in the mortgage 142-4
 Methods of foreclosure 157-9
 Negotiability 141-2
 Period of redemption 144-7
 Power to approve plan of reorganization 156-7
 Power to fix an upset price 155-6
 Rents after sale 147-8
 Right or duty of trustee to bid 152-5
 Trustees and committees 148-52

MUNICIPAL CORPORATIONS

See also *Contracts and Public Utilities*

In general: Survey of Illinois law for the year 1939-40 1-8
 Contracts 4-5
 Indebtedness 3-4
 Judgments 6-7
 Officers 7-8
 Police Power 5-6
 Torts 2-3
 Zoning 1-2

P

PATENTS

Infringement: Does supersedeas bond furnished by infringer free adjudged infringing articles in hands of infringer's vendee 392-7

PRACTICE AND PLEADING

See also *Actions, Appeal and Error, Appearance, Attachment, Corporations, Courts, Criminal Law, Infants, Injunctions, Judgments, and Reference*

Civil Practice Act: Survey of Illinois law for the year 1939-40 56-65

Form of allegations in general: Are defects in substance waived by failure to object to them in the trial court (Illinois practice) 189-90

Motion to dismiss: Effect of renewing motion to dismiss after

earlier denial thereof (Illinois practice) 373-4

Procedure: Illinois Civil Procedure 342-70

Historical development of court procedure in Illinois from 1700-1800 342-4

Territorial laws of Illinois from 1800-1818 344-7

Transition from territorial to state law 347-8

Summary of provisions of Practice Act and Chancery Act of 1819 348-50

Legislative changes in practice from 1819-1845 350-2

Revision of Illinois statutes of 1845 352-3

New matter contained in Practice Acts of 1872 and 1907 353

P (Cont.)

Changes effected by Chancery Act of 1872	353-4
Efforts to simplify procedure from 1907-1929	354-8
Committee of the Judiciary of the Chicago Bar Association and the "Proposed Consolidated Civil Practice Act"	358-63
The Illinois Legislature and the Civil Practice Act	363-4
Summary of changes effected by the Civil Practice Act	364-6
Supreme Court Rules of 1933	366-7
Influence of the Civil Practice Act prior to its effective date	367-8
Provisions for discovery in the Civil Practice Act	368-9
Influence of the Civil Practice Act	369-70
PROCESS	
Personal service: Whether personal service is invalid if made on Sunday (Illinois practice)	278-80
PUBLIC UTILITIES	
In general: Survey of Illinois law for the year 1939-40	84-87

Railroads: The apportionment of cost of railroad highway crossing improvements in Illinois (history and development of the law in Illinois prior to the passage of the Public Utilities Act in 1913)	257-73
Act of 1874	271-3
Basis of right of public control over public highways	261
Changes in character of highway and railroad transportation from 1829 to 1913	257-61
Doctrine of uncompensated obedience to police power as a rule of apportionment of cost	269-71
Judicial limitations on duty of railroad to provide adequate crossing	263-66
Legislative history of problem of apportionment of cost of crossing improvements	266-9
Public Utilities Acts of 1913 and 1921	273
Scope of common law duty of railroads to provide adequate crossing	261-3

Q

QUASI-CONTRACTS

In general: Survey of Illinois law for the year 1939-40	43-4
---	------

QUO WARRANTO

Parties plaintiff or petitioners: Whether State's Attorney is proper party to proceed against insurance corporation to whom Insurance Director has issued certificate to do business	123-5
---	-------

R

REAL PROPERTY

See <i>Fixtures, Mines and Minerals, and Mortgages</i>
--

RECEIVERS

See <i>Landlord and Tenant</i>

REFERENCE

Grounds for recommittal: Right of defendant to introduce new proof where plaintiff has amended complaint (Illinois practice)	101-2
---	-------

S

SALES

See also <i>Automobiles and Fixtures</i>
--

Conditional sales: Effect of clause waiving defenses as to assignee of vendee	308-10
--	--------

S (Cont.)

Delivery and acceptance of goods:
Effect of partial delivery and acceptance as to right to reject subsequent deliveries 207-10

Making and requisites of express warranty: Whether displaying manufacturer's label attached to goods in sealed container is express warranty by dealer 210-12

SEARCHES AND SEIZURES

Witnesses and persons compelled to produce evidence: Right of administrator of Fair Labor Standards Act to compel production of books and records in the absence of reasonable cause to believe an employer is violating the provisions of the Act 212-9

T

TAXATION

See also *Commerce*

In general: Survey of Illinois law for the year 1939-40 80-4

Shares in foreign corporations: Taxability of stock of foreign corporation held by Illinois owners 125-31

Statutory redemption from tax foreclosure sale: Whether, upon owner's redemption, lien is revived for portion of real estate taxes not realized at foreclosure sale 310-16

TITLES

In general: Survey of Illinois law for the year 1939-40 35-41

Oil and Gas 37-9

Miscellaneous 39-41

TORTS

See also *Automobiles, Executors and Administrators, and Husband and Wife*

In general: Survey of Illinois law for the year 1939-40 46-52

TRUSTS

In general: Survey of Illinois law for the year 1939-40 18-24

Management and disposal of trust property: What law governs the administration of a testamentary trust of movables as to the legality of trust investments 219-22

Spendthrift trusts: Right to enforce payment of alimony and maintenance out of spendthrift trust fund 131-5

V

VENUE

Place in which party may be sued:
Waiver by foreign corporation

of venue privilege conferred by Section 51 of the Judicial Code 135-40

W

WILLS AND ADMINISTRATION

See also *Trusts*

In general: Survey of Illinois law for the year 1939-40 24-7

Construction: Whether extrinsic evidence is admissible where the will misdescribes land devised 222-7

Persons who may oppose probate:
Right of judgment creditor of heir to contest will 227-9

WITNESSES

See also *Searches and Seizures*

Cross-examination and re-examination: The effect of the death of a witness during examination-in-chief (Illinois practice) 190-2

WORKMEN'S COMPENSATION

In general: Survey of Illinois law for the year 1939-40 13-5

W (Cont.)

Full faith and credit: Application of
the workmen's compensation
law of the forum when the in-
jury is sustained therein and the
contract of hire is consummated
in a foreign state 397-401

**Section 29 of the Workmen's Com-
pensation Act of Illinois** 231-57

*Agar Packing & Provision Co. v.
Becker* 247-52

Botthof case, The 252-6

Illinois Workmen's Compensation
Act originally was elective 237-41

Legislative amendment needed 256

1917 Amendments, The 243-5

1917 Amendments to Section 29,
The 245-7

Section 29 as originally enacted 235-7

Were there legislative induce-
ments in Section 29 of the 1913
Act 241-3